

## REMARKS

The Office Action dated December 5, 2004 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-16 are pending in the present application. Claims 1 and 15 are amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 16 is added. No new matter is added, and no new issues are raised that require further consideration and/or search. Thus, entry of the amendments at this time is proper. Claims 1-16 are respectfully submitted for consideration.

Claims 1-3 and 5-15 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,974,309 (*Foti*). To anticipate, the cited reference must disclose each and every element of the claimed invention. Applicant submits that *Foti* does not anticipate claims 1-3 and 5-15.

The Office Action took the position that *Foti* anticipates the elements of claims 1-3 and 5-15. The Office Action refers to Figure 1 and the abstract of *Foti* as disclosing the elements of claims 1 and 12. Applicant respectfully disagrees, and submits that each of these claims recite subject matter that is neither disclosed nor suggested in the cited prior art.

Claim 1, upon which claims 2-3 and 5-11 are dependent, recites a method of trace activation in a mobile communication system. A mobile station is in communication

with a mobile communications network. The method comprises directing a communication from the mobile station to a predefined trace activation number of a tracing facility for activating tracing of the mobile station. The method also includes activating tracing at the tracing facility for the mobile station from which the communication originates. The method also includes generating a trace report for the mobile station.

Claim 12, upon which claims 13-15 are dependent, recites a mobile communications system. The mobile communications system comprises at least one mobile station. The mobile communications system also includes a communications network with which the at least one mobile station is arranged to communicate. The mobile communications system also includes a tracing facility for tracing at least one of the mobile stations. The tracing facility has a predefined trace activation number for activating tracing of the at least one mobile station in response to a communication from the at least one mobile station to the trace activation number.

As discussed in the present specification, the present invention enables monitoring of network performance. An advantage of the present invention may be that a trace activation number of a tracing facility enables the number to be traced to be automatically determined. Trace activation may be less complex, simpler and automatic. For example, a person belonging to the maintenance personnel may easily control the tracing of his mobile station to any location, where the mobile station has a connection to a mobile communication network. Further, because trace activation/deactivation is simpler,

tracing may be activated on-demand to spare the network from an unnecessary load. It is respectfully submitted that *Foti* fails to disclose the elements of any of the presently pending claims. Thus, *Foti* fails to provide the critical and unobvious advantages discussed above.

*Foti* relates to a method and apparatus for facilitating law enforcement agency monitoring of cellular telephone calls. *Foti* describes that identification of the parties participating in the call is important (column 1, lines 17-19). *Foti* describes that due to signaling protocol specific details, the actual telephone number of a calling party is not included in signaling information in some cases, and only a roaming number is present in the signaling information. The roaming number does not directly reveal the identity of the calling party.

Thus, *Foti* focuses on providing information about the identity of the calling party, or A-party identification information (column 1, lines 52-54). *Foti* describes two methods for finding out the identity of the calling party. The first method is based on making a billing identification number for a monitored call available to law enforcement agencies (column 1, lines 54-62). The second method is based upon supplying calling line identification information to the law enforcement agencies. The calling line identification information includes the mobile of the calling subscriber (column 1, line 62, to column 2, line 1). *Foti* describes finding out identities of the party of a normal call, especially the identity of a calling cellular telephone. The parties of the call typically are unaware of the tracing by *Foti*. *Foti*, however, is silent about how the monitoring of calls

is activated. Instead, *Foti* describes that a billing identification number for a monitored call is reported to a law enforcement agency or calling line identification information for monitored calls provided to the law enforcement agency (column 4, lines 16-20 and 55-59). *Foti*, however, does not disclose activating tracing at the tracing facility for the mobile station from which the communication originates.

In contrast, the present invention discloses activating tracing at the tracing facility for the mobile station, as recited in claims 1 and 12. The tracing is activated by “directing a communication from a mobile station to a predefined trace activation number of a tracing facility for activating tracing of the mobile station,” as recited in claim 1. This feature describes that the mobile station may direct communication to the predefined trace activation number activating tracing. As the calling and called party are typically unaware of tracing, a predefined tracing number for activating tracing of a mobile station directing the communication to that number is not disclosed by *Foti*.

Applicant submits that additional differences exist between the claimed invention and *Foti*. For example, monitoring center 28 of *Foti* is connected to the telephone network 10 via a tap 34 (column 3, lines 38-40). Thus, the monitoring center may tap calls in the telephone network, but it may not make or receive calls. The present invention, however, recites a predefined trace activation number from a tracing facility for receiving a communication from a mobile station to activating tracing. In addition, *Foti* describes that a normal call between two subscribers is monitored (column 3, lines 9-32).

The present invention discloses that a communication is directed to the predefined trace activation number at the tracing facility, as recited in claim 1. As a communication may be a message, a call may not necessarily exist between two subscribers according to the present invention. Moreover, Applicant submits that *Foti* is completely silent about how monitoring of calls is activated. The present invention, on the other hand, discloses that tracing is activated for the mobile station by “directing a communication from the mobile station to a predefined trace activation number of a tracing facility for activating tracing of the mobile station,” as recited in claim 1.

Thus, Applicant submits that *Foti* does not disclose each and every element of independent claims 1 and 12, and dependent claims 2-3, 5-11 and 13-15. Applicant respectfully submits that these claims are patentable over *Foti*, and that the anticipation rejection be withdrawn.

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly rendered obvious by *Foti* in view of U.S. Patent No. 5,727,057 (*Emery et al.*) The Office Action acknowledges that *Foti* “does not specifically disclose the limitation of ‘deactivating tracing when a preset time period is elapsed.’” The Office Action alleges that *Emery* discloses this limitation and that “it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify *Foti*’s system as taught by *Emery*.” Applicant respectfully submits that the pending claim recites subject matter that is neither disclosed nor suggested by the cited references.

Claim 4 depends from independent claim 1. As discussed above, claim 1 is patentable over *Foti*. Applicant submits, at the least, that *Emery* does not disclose or suggest those features of claim 1 missing from *Foti*.

*Emery* relates to a storage, transmission, communication and access to geographical positioning data linked with standard telephony numbering and encoded for use in telecommunications and related services. *Emery* describes a method and system implementation for combining and accessing telephony numbering and geographical position so direct access to information, services and goods may be invoked through the use of various telephone networks. *Emery* allows for the storage, transmission, communication and access to geographical positioning data determined by the global positioning system or any other method by using the North American or other land-based public switched, cellular, satellite, radio or other telephone system and related intelligent networks. *Emery* describes continuing tracing until an operator terminates the tracing or the monitored call is terminated (column 14, line 65 – column 15, line 5). *Emery* describes processing steps that capture the date, time, DN and location identification of both originating and terminating parties. *Emery* further describes posting that data to a specialized call trace data record transmitting the call record to a data port. *Emery*, however, does not disclose or suggest activating tracing at the tracing facility for the mobile station.

In contrast, the present invention discloses activating tracing at the tracing facility from the mobile station, as recited in claims 1 and 12. The tracing is activated by

“directing a communication from a mobile station to a predefined trace activation number of a tracing facility for activating tracing of the mobile station,” as recited in claim 1. As discussed above, *Foti* does not disclose or suggest this feature. Applicant also submits that *Emery* does not disclose or suggest this feature in accessing data by the global positioning system using any telephone system or network. Thus, *Emery* does not disclose or suggest those features missing from *Foti*.

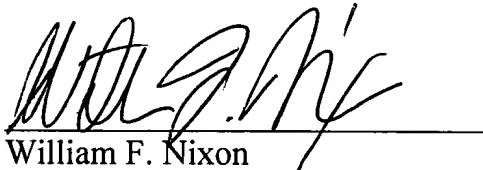
Thus, Applicant submits that the cited references do not disclose or suggest the features of claim 4. Applicant respectfully submits that claim 4 is patentable over *Foti* and *Emery*, and that the obviousness rejection be withdrawn.

Claim 16 is submitted to advance additional embodiments of the present invention. Applicant submits that claim 16 is patentable over the cited references for at least the reasons given above. Thus, claim 16 should be allowed along with the present application.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W.F. Nixon', is written over a horizontal line.

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